

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MANUEL RIOS,

Plaintiff,

vs.

No. CIV 22-0917 JB/GBW

CURRY COUNTY DETENTION CENTER
and SUMMIT FOODS,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

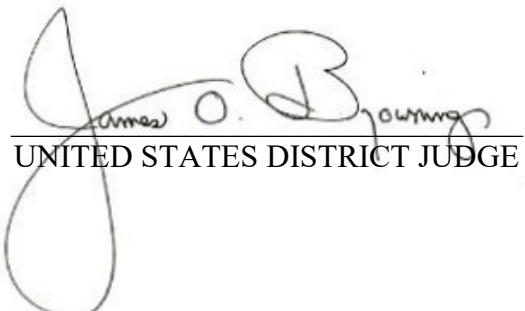
THIS MATTER comes before the Court upon its review of the docket. The Plaintiff Manuel Rios commenced this case on November 30, 2022, by filing a handwritten Letter-Complaint regarding the conditions of his confinement. See Letter from Manuel Rios to “United States Supreme Court” (dated November 25, 2022), filed November 30, 2022 (Doc. 1)(“Letter-Complaint”).¹ The Clerk of the Court responded by mailing Rios a blank Prisoner’s Civil Rights Complaint form. See Staff Note, filed November 30, 2022 (no document number)(court-only, text-only entry). Using that form, Rios filed an amended Prisoner’s Civil Rights Complaint, filed December 19, 2022 (Doc. 3)(“Amended Complaint”). He also filed a Prisoner’s Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed December 19, 2022 (Doc. 4)(“IFP Motion”). On February 10, 2023, the Honorable Gregory B. Wormuth, United States Magistrate Judge for the United States District Court for the District of New Mexico, entered an Order Granting *In Forma Pauperis* Application (Doc. 6)(“IFP Order”), requiring Rios to submit

¹Rios mailed his Letter-Complaint to the Pete V. Domenici United States Courthouse in Albuquerque, New Mexico, but directed it to the “United States Supreme Court” instead of the United States District Court for the District of New Mexico. Letter-Complaint at 7.

an initial partial payment of \$14.25 within thirty days of the IFP Order's entry. See IFP Order at 2.

Rios has not submitted the initial partial payment, shown cause why he could not, or otherwise responded to Magistrate Judge Wormuth's IFP Order, and the thirty-day deadline has now passed. The Court, therefore, will dismiss this case under rule 41(b) of the Federal Rules of Civil Procedure for "failure to prosecute [and] comply with the . . . court's orders." Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS ORDERED that: (i) the claims in the Plaintiff's Prisoner's Civil Rights Complaint, filed December 19, 2022 (Doc. 3), are dismissed without prejudice; and (ii) a separate Final Judgment closing this case will be entered.



UNITED STATES DISTRICT JUDGE

Parties:

Manuel Rios
Clovis, New Mexico

Plaintiff pro se